

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY SIMMONS §
§
v. § CIVIL ACTION NO. G-04-209
§
JO ANNE B. BARNHART, §
COMMISSIONER OF SOCIAL SECURITY §

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge entered on July 19, 2005, to which Plaintiff has failed to file Objections after being given ample to do so.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Magistrate Judge's Report and Recommendation should be **ACCEPTED** in its entirety. Accordingly, Defendant's Motion for Summary Judgment (Instrument No. 9) is **GRANTED**; Plaintiff's Motion for Summary Judgment (Instrument No. 8) is **DENIED**; and the above-styled action is **DISMISSED**.

DONE at Galveston, Texas this 18th day of August, 2005.



Samuel B. Kent
United States District Judge